

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

BRUCE E. VAWSER,

Plaintiff,

V.

TRESSA ALIOTH, TINA  
UPDEGROVE, and SCOTT  
WILSON,

Defendants.

4:06CV3217

# MEMORANDUM AND ORDER

This matter is before the court on Plaintiff Bruce E. Vawser's motion to extend time to amend complaint (filing no. 37) and Defendant Tressa Alioth's motion to withdraw as counsel, filed by attorney Diane M. Carlson (filing no. 36).

Vawser seeks an additional 15 days in which to file his amended complaint, or until November 13, 2007. (Filing No. 37.) With his motion, Plaintiff attaches correspondence relating to apparent difficulties in obtaining documents from prison authorities. (*Id.*) The court finds that Plaintiff has shown good cause for the extension and will grant the motion.

Defendant Alioth’s counsel, Diane M. Carlson, filed a motion to withdraw as counsel, citing “transfer” of the case. (Filing No. 36.) On the same day, Pamela J. Dahlquist filed a notice of appearance on Alioth’s behalf. Because Alioth continues to be represented by counsel, the motion is granted.

IT IS THEREFORE ORDERED that:

1. Plaintiff's motion to extend time to amend the complaint (filing no. 37) is granted. Plaintiff shall have until November 13, 2007 in which to file an amended complaint in accordance with this court's September 28, 2007 memorandum and order.

2. Defendant Alioth's motion to withdraw as counsel (filing no. 36), filed by Diane M. Carlson, is granted. The Clerk of the court is directed to terminate Diane M. Carlson as counsel of record in this matter.

3. The Clerk of the court is directed to set a pro se case management deadline with the following text: November 13, 2007: deadline for Plaintiff to amend complaint.

November 5, 2007.

BY THE COURT:

s/ Joseph F. Bataillon  
Chief United States District Judge